

Title	Small Claims Plain Language Claim Form (revise form SC-100)
Summary	The mandatory claim form would be renamed <i>Small Claims Case—Order to Go to Court</i> and drafted in plain language to be easily understood, completed, and filed by parties representing themselves in small claims court.
Source	Civil and Small Claims Advisory Committee
Staff	Cara Vonk, 415-865-7669, cara.vonk@jud.ca.gov
Discussion	<p>The Judicial Council already adopted plain language forms for domestic violence and adoption proceedings under the Family Code. The plain language forms are valuable where parties often represent themselves and need easy access to the court.</p> <p>Because parties are not allowed to be represented in small claims court, small claims forms are also good candidates for conversion into the plain language format. Plain language small claims forms will promote the Judicial Council objective of greater access to the courts.</p> <p>Only one small claims form is being circulated now, with the possibility that the remaining small claims forms also will be converted to the plain language format in the future. The remaining small claims forms will likely be circulated for comment next year.</p> <p>The purpose of the plain language form is to make the form more accessible to the user. The features of the new form include:</p> <ol style="list-style-type: none"> 1. <i>Layout and style.</i> All information previously included in the caption is now located in the body of the form. When possible, direct address pronouns (such as <i>you</i>) are used in place of legal terms to make the text easier for self-represented parties to understand. The person filling out the form is guided through the form with a lot of white space and prompts. 2. <i>Form number and title.</i> The form number and title are prominently displayed in the upper-left corner where a reader may expect to find them. In references to forms, numbers are preferred over titles, as in federal tax forms because people remember and refer to form numbers more easily than names. The form title has been modified from <i>Plaintiff's Claim and Order to Defendant</i> to <i>Small Claims Case—Order to Defendant</i>

to help give the plaintiff a confident start and help the defendant understand the nature of the document when served with it.

3. *Footer.* The address of the California Courts Web site is included in the footer to help users find information about small claims court and the forms.
4. *Readability.* The text has been revised to be accessible to users at a sixth grade reading level and above. The typeface has been changed to a more readable font and is larger than in current forms. The language is simple and direct while preserving the legal intent. Numbers with a strong graphic presence make it easier to navigate the text. The reader sees them at a glance and understands where things begin and end and how long the process may take.

Although information on the proposed form is the same as on the current form, some courts have expressed concern that it will take time to reprogram court computers to replace the old form with the new form in their software program. One possibility would be to allow a court to use the old form through December 2006, which could be authorized and noted on the current (old) form. The committee welcomes comment on this suggestion for the effective date of the plain language format.


Revised and current forms SC-100 are attached for reference.

Attachments

*Clerk stamps here when form is filed.***If you are suing:**

- Read form SC-150 *before* you fill out this form to know your rights. Get SC-150 at any courthouse, county law library, or go to: www.courtinfo.ca.gov/forms
- Fill out this form.
- Then take it to the Court Clerk and pay your fee.
- The Clerk will write your court date in the box below.
- Serve the Defendant(s) all 3 pages of this form and any pages you attach. Keep a copy for yourself.
- Go to Court on your court date.

If you receive this form, you are being sued.**Order to appear at trial:**

- You and the Plaintiff must go to Court on: 
- If you do not go to Court, you may lose the case.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- If you lose, the Court can order that your wages, money or property be used to pay this claim.
- Read page 3 of this form to protect your rights.

The Court fills out these boxes

Date ____/____/____

Time ☐ AM
☐ PM

Room No. _____

Date ____/____/____

Clerk, by _____, Deputy

*Court name and street address:***Superior Court of California, County of****Case Number****① The Plaintiff (the person who is suing) is:**

Name: _____ Phone #: _____

Mailing Address: _____

Street Address *(if different)*: _____*If more than one person is suing, attach SC-100A and check here:* ☐*Is this Plaintiff doing business under a fictitious name?* ☐ Yes* ☐ No**If "Yes," attach SC-103 and write Fictitious Business Statement # here:* _____**② The Defendant (the person being sued) is:**

Name: _____ Phone #: _____

Mailing Address: _____

Street Address *(if different)*: _____*If more than one person is being sued, attach SC-100A and check here:* ☐*If any Defendant is on active military duty, write their name here:* _____**③ The Plaintiff claims the Defendant owes \$ _____ (Explain below)**

a. Why does the Defendant owe the Plaintiff money? _____

b. When did this happen? (date): ____ / ____ / ____

If no specific date, give the time period: Date started: ____ / ____ / ____ Through: ____ / ____ / ____

c. How did you calculate the money owed to you? _____

If you need more space, attach a sheet of paper and write "SC-100, Item 3" on the top of your declaration and check here: ☐

④ You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue.

Have you done this? ☐ Yes ☐ No*

*If "No", say why: _____

⑤ Why are you filing your claim at this courthouse?

This courthouse covers the area where (Check ONLY one):

☐ A contract (written or spoken) was started, signed, performed, or broken by the defendant OR the defendant lived when s/he started the contract

☐ The defendant lives or does business

☐ The plaintiff's property was damaged

☐ The plaintiff was injured

☐ This claim is for a retail installment contract (like a credit card) (Civil Code § 1812.10)

☐ This claim is for a vehicle finance sale (Civil Code § 2984.4)

☐ Other (specify): _____

⑥ List zip code of item checked in ⑤ above (if you know):

⑦ Is your claim about an attorney-client fee dispute? ☐ Yes* ☐ No

* If "Yes," AND if you have had arbitration, fill out SC-101, attach it to this form and check here: ☐

⑧ Are you suing a government agency? ☐ Yes* ☐ No

* If "Yes," file a claim with them first. If they deny your claim, or do not answer, you can file this form, read SC-150 and check here: ☐

⑨ Have you filed more than 12 other small claims for any amount within the last 12 months in California?

☐ Yes* ☐ No *If "Yes," the filing fees for this case will be higher.

⑩ I understand that by filing a claim in Small Claims Court:

• I give up my right to appeal my claim, and

• I cannot file, and have not filed, more than 1 other small claim for more than \$2,500 in California during this calendar year.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: ____ / ____ / ____

Type or print your name

X

Sign your name

Keep a copy of all your forms.



Information for the Defendant (the person being sued)

Small Claims Court is a special court where claims for \$5000 or less are decided. The process is quick and cheap. The rules are simple and informal.

You are the Defendant – the person being sued. The person who sued you is the Plaintiff.

Do I need a lawyer?

You can talk to a lawyer before or after the case. But, you **cannot** have a lawyer represent you in court (unless this is an appeal).

How do I get ready for court?

Read How to Get Ready for Court at:

www.courtinfo.ca.gov/selfhelp/smallclaims/getready

What if I need an accommodation?

If you have a disability or are hearing impaired, tell the court clerk or the ADA Coordinator for your Court. Fill out form MC-410.

What if I don't speak English well?

Bring someone, like a relative or friend who can interpret for you at Court. The Court cannot give you an interpreter. But, the clerk can give you a list of interpreters. (Interpreters usually charge a fee.)

Where can I get the court forms I need?

Go to any courthouse, your county law library, or download forms at:

www.courtinfo.ca.gov/forms

What happens at the hearing?

The judge will listen to both sides and may make a decision at your hearing, or mail the decision to you later.

What if I lose the case?

If you lose, you can appeal. You'll have to pay a fee. (The Plaintiff cannot appeal.)

- If you were at the hearing, file SC-140, *Notice of Appeal*. You have 30 days after the judge's decision to do this.
- If you were **not** at the hearing, fill out and file SC-135 to ask the Court to cancel the judgment (decision). If the court does not give you a new trial, you have 10 days to appeal. File SC-140.

For more information on appeals, see:

www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the hearing.** If you and the Plaintiff agree how to settle the case, you must both notify the Court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong Court.** Send a letter to the Court *before* your hearing explaining why you think this is the wrong Court. Ask the Court to dismiss the claim. You must "serve" (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the Court must say you have done this.)
- **Go to the hearing and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the hearing, fill out SC-107 and the clerk will subpoena (order) them to go.
- **Sue the person who sued you.** File form SC-120, *Defendant's Claim*. (There are strict filing deadlines.)
- **Agree with the Plaintiff's claim and pay the money.** Or, if you can't pay the money now, go to your hearing and say you want to make payments.
- **You can postpone the hearing if:**
 - You did not "get served" (receive this order to go to court) at least 15 days before the hearing (or 20 days if you live outside the county), or
 - You cannot go to court on the scheduled date. (You will have to pay a fee), or
 - You need more time to get an interpreter.Write the Court before the hearing and explain why you want a postponement.
- **Let the case default.** If you don't settle and do not go to court, the judge may give the Plaintiff what s/he is asking for and court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.



Need help?

Ask the Small Claims Advisor in your county. **It's free!** Look for County-Specific Court Info at: www.courtinfo.ca.gov/selfhelp/smallclaims

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County Information Here

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SMALL CLAIMS CASE NO.:

**— NOTICE TO DEFENDANT —
YOU ARE BEING SUED BY PLAINTIFF**

To protect your rights, you must appear in this court on the trial date shown in the table below. You may lose the case if you do not appear. The court may award the plaintiff the amount of the claim and the costs. Your wages, money, and property may be taken without further warning from the court.

**— AVISO AL DEMANDADO —
A USTED LO ESTAN DEMANDANDO**

Para proteger sus derechos, usted debe presentarse ante esta corte en la fecha del juicio indicada en el cuadro que aparece a continuación. Si no se presenta, puede perder el caso. La corte puede decidir en favor del demandante por la cantidad del reclamo y los costos. A usted le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte.

PLAINTIFF/DEMANDANTE (Name, street address, mailing address, and telephone number of each):

DEFENDANT/DEMANDADO (Name, street address, mailing address, and telephone number of each):

Telephone No.:

Telephone No.:

Telephone No.:

Telephone No.:

Fict. Bus. Name Stmt. No.

Expires:

☐ See attached sheet for additional plaintiffs and defendants.

PLAINTIFF'S CLAIM

1. a. ☐ Defendant owes me the sum of: \$ _____, not including court costs, because *(describe claim and date)*:
 b. ☐ I have had an **arbitration of an attorney-client fee dispute**. *(Attach Attorney-Client Fee Dispute form (see form SC-101).)*
2. ☐ This claim is against a government agency, and I filed a claim with the agency. My claim was denied by the agency, or the agency did not act on my claim before the legal deadline. *(See form SC-150.)*
3. a. ☐ I have asked defendant to pay this money, but it has not been paid.
 b. ☐ I have NOT asked defendant to pay this money because *(explain)*:
4. This court is the proper court for the trial because ☐ *(In the box at the left, insert one of the letters from the list called "Venue Table" on page 3. If you select D, E, or F, specify additional facts in this space):*

If known, please give the zip code for the location of the letter you put in the box *(zip code)*:

5. I ☐ have ☐ have not filed more than one other small claims action anywhere in California during this calendar year in which the amount demanded is more than \$2,500.
6. I ☐ have ☐ have not filed more than 12 small claims, including this claim, during the previous 12 months.
7. I understand that
 - a. I may talk to an attorney about this claim, but I cannot be represented by an attorney at the trial in the small claims court.
 - b. I must appear at the time and place of trial and bring all witnesses, books, receipts, and other papers or things to prove my case.
 - c. **I have no right of appeal on my claim**, but I may appeal a claim filed by the defendant in this case.
 - d. If I cannot afford to pay the fees for filing or service by a sheriff or marshal I may ask that the fees be waived.
8. I have received and read the information sheet (form SC-150) explaining some important rights of plaintiffs in the small claims court.
9. No defendant is in the military service ☐ except *(name)*:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)

ORDER TO DEFENDANT

You must appear in this court on the trial date and at the time LAST SHOWN IN THE BOX BELOW if you do not agree with the plaintiff's claim. Bring all witnesses, books, receipts, and other papers or things with you to support your case.

TRIAL DATE	DATE	DAY	TIME	PLACE	COURT USE
FECHA DEL JUICIO	1.				
	2.				
	3.				

Filed on *(date)*:

Clerk, by _____, Deputy

— The county provides small claims advisor services free of charge. Read the information on the reverse. —

— ¿CÓMO PODRÁ OBTENER AYUDA EN SU CASO? —

CONSEJEROS PARA RECLAMOS DE MENOR CUANTÍA — La ley exige que cada condado ofrezca ayuda gratis en casos de reclamos de menor cuantía. Pida al actuario (Court Clerk) que le dé el número de teléfono en su condado. (*Ver 5.e.*)

INTÉRPRETES — Si usted no habla inglés, puede ir a la corte en compañía de un miembro de su familia o una amistad. La corte debe mantener una lista de intérpretes que ofrecen servicios de interpretación. Algunos intérpretes cobran un precio razonable, otros no cobran. Si usted no puede encontrar un(a) intérprete para la audiencia programada, la corte deberá posponer la audiencia una sola vez para darle tiempo de obtener servicios de interpretación.

FACILIDADES — Si usted tiene algún impedimento y necesita ayuda, tenga la bondad de pedir de inmediato que la corte le ayude a satisfacer su necesidad. Si tiene dificultades para oír, informe a la corte de inmediato.

INFORMATION FOR DEFENDANT

1. **What is the small claims court?** The small claims court is a special court in which disagreements are resolved quickly and cheaply. A small claim must be for \$5,000 (**see below*) or less. With some exceptions no party may file more than two small claims actions in which the amount demanded is more than \$2,500 anywhere in the state in a calendar year. The party who sues is called a **plaintiff**. The party who is sued is called a **defendant**. Neither party can be represented by a lawyer at the trial, but either party may talk to a lawyer about the case.
2. **What can you do if you are sued in the small claims court?**
 - a. **Settle.** You may settle your case before the trial. If you do, be sure that the plaintiff files a dismissal form with the court. If you would like help in settling your case, ask the small claims advisor (see No. 5, below) to refer you to an alternative dispute resolution provider.
 - b. **Default.** If you do not go to the trial, it is called a **default**. The plaintiff may win the amount of the claim and costs. The plaintiff may then be able to use legal procedures to take your money or property to pay the judgment.
 - c. **Appear and Contest.** You may go to the trial and disagree with the plaintiff's claim. If you do, bring all witnesses, books, receipts, and other papers or things to prove your case. You may ask the witnesses in your case to go to the trial or, before the trial, you may ask the clerk of the court to issue a **subpoena**. A subpoena is a court order that requires the witness to go to the trial.
 - d. **Appear and Request Payments.** You may agree with the plaintiff's claim, but you may be unable to pay the money all at once. You may then choose to go to the trial and ask the court to order payments you can afford.
 - e. **Postpone.** If you live in the county where the claim was filed, you must be served with a copy of the claim at least **15 days before the trial**. If you live outside the county, you must be served at least **20 days before the trial**. If you did not receive the claim within these time limits, you may ask the court for a postponement. (No fee charged.)

If you cannot attend the hearing on the date scheduled, write to the court before the hearing date and tell why, and ask the court to postpone the hearing. (Fee charged.) You must file your request at least **10 days** before the hearing or give good cause why it is filed late. You must mail or personally deliver a copy of your request to all parties and declare that you have done so in your request.
 - f. **Challenge Venue.** If you believe the plaintiff's claim was filed in the wrong court (see Venue Table on page 3), write to the court before the hearing date, explain why you think so, and ask the court to dismiss the claim. You must mail or personally deliver a copy of your request to all parties and declare that you have done so in your request.
3. **What can you do if you also have a claim against the person who sued you?** A claim against the person who sued you is called a *Defendant's Claim* (form SC-120). Ask the clerk for this form to file your claim. The claim must not be for more than \$5,000.* If you received your copy of the plaintiff's claim *less than 10 days* before the trial date, you must have the plaintiff served with your claim *at least 1 day* before the trial date. If you received your claim *more than 10 days* before the trial date, you must have the plaintiff served with your claim *at least 5 days* before the trial date. The court will hear both claims at the same time.
4. **What happens after trial?** The court will deliver or mail to you a copy of a form called the *Notice of Entry of Judgment* (form SC-130). This form tells you how the case was decided. If you disagree with the court's decision, you may appeal the judgment on the plaintiff's claim. You may not appeal your own claim. If you appeared at the trial, you must begin your appeal by filing a *Notice of Appeal* (form SC-140) and pay the required fees within **30 days** after the date the *Notice of Entry of Judgment* was mailed or handed to you. If you did not appear at the trial, you must first ask the court to vacate or cancel the judgment. To make this request, you must file a *Motion to Vacate the Judgment* (form SC-135) and pay the required fees within **30 days** after the date the *Notice of Entry of Judgment* was mailed or handed to you. If your request is denied, you then have **10 days** from the date the notice of denial was mailed or handed to you to file an appeal.
5. **How can you get help with your case?**
 - a. **Minors.** If you are under 18 years old, you should tell the clerk. You are too young to act for yourself in the case. You must ask the court to appoint someone to act for you. That person is called a **guardian ad litem**.
 - b. **Interpreters.** If you do not speak English, you may take a family member or friend to court with you. The court should keep a list of interpreters who will interpret for you. Some interpreters charge a reasonable or no fee. If an interpreter is not available, the court must postpone the hearing one time only so that you have time to get one.
 - c. **Accommodations.** If you have a disability and need assistance, please ask the court immediately to help accommodate your needs. If you are hearing impaired and need assistance, please notify the court immediately.
 - d. **Forms.** You can get small claims forms and more information at the California Courts Self-Help Center Web site (www.courtinfo.ca.gov), your county law library, or at the courthouse nearest you.
 - e. **Small Claims Advisors.** The law requires each county to provide assistance in small claims cases free of charge. (*Small claims advisor information*):

* The \$5,000 limit does not apply, and a \$4,000 limit applies, if a "defendant guarantor . . . is required to respond based upon the default, actions, or omissions of another" (\$2,500 if the defendant guarantor does not charge a fee for the service).

VENUE TABLE

The plaintiff must file the claim in the proper court and location. This rule is called **venue**. Below are possible reasons for filing the claim in this court. Check the court's local rules if there is more than one court location in the county handling small claims cases. *If you are the plaintiff, insert the proper letter from the list below in item 4 on page 1 and specify additional facts for D, E, or F. This court is the proper court for the trial of this case because:*

- | | |
|--|--|
| A. a defendant lives in the area of this court location or a defendant corporation or unincorporated association has its principal place of business in the area of this court location. | D. the claim is on a retail installment account or contract subject to Civil Code section 1812.10. <i>(Specify facts on page 1.)</i> |
| B. a person was injured or personal property was damaged in the area of this court location. | E. the claim is on a vehicle finance sale subject to Civil Code section 2984.4. <i>(Specify facts on page 1.)</i> |
| C. a defendant signed or entered into a contract in the area of this court location, a defendant lived in the area of this court location when the contract was entered into, a contract or obligation was to be performed in the area of this court location, or, if the defendant was a corporation, the contract was breached in the area of this court location. | F. other. <i>(Specify facts on page 1.)</i> |

